

**Introduced by Senator Cannella**February 20, 2014

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An act to amend Section 23502 of the Vehicle Code, relating to vehicles.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1237, as introduced, Cannella. Vehicles: driving under the influence: alcohol programs.

Existing law makes it a crime for a person under 21 years of age who has 0.05% or more, by weight, of alcohol in his or her blood to drive a vehicle. If a person at least 18 years of age is convicted of a first violation of that offense, existing law requires the court, in addition to any penalties, to order the person to attend a licensed driving-under-the-influence program and to pay a fee to attend the program.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 23502 of the Vehicle Code is amended
- 2 to read:
- 3 23502. (a) Notwithstanding any other ~~provision of~~ law, if a
- 4 person ~~who is~~ at least 18 years of age is convicted of a first
- 5 violation of Section 23140, in addition to any penalties, the court
- 6 shall order the person to attend a program licensed under Section
- 7 11836 of the Health and Safety Code, subject to a fee schedule

1 developed under paragraph (2) of subdivision (b) of Section  
2 11837.4 of the Health and Safety Code.

3 (b) The attendance in a licensed driving-under-the-influence  
4 program required under subdivision (a) shall be as follows:

5 (1) If, within 10 years of the current violation of Section 23140,  
6 the person has not been convicted of a separate violation of Section  
7 23140, 23152, or 23153, or of Section 23103, with a plea of guilty  
8 under Section 23103.5, or of Section 655 of the Harbors and  
9 Navigation Code, or of Section 191.5 of, or subdivision (a) of  
10 Section 192.5 of, the Penal Code, the person shall complete, at a  
11 minimum, the education component of that licensed  
12 driving-under-the-influence program.

13 (2) If the person does not meet the requirements of paragraph  
14 (1), the person shall complete, at a minimum, the program  
15 described in paragraph (1) of subdivision (c) of Section 11837 of  
16 the Health and Safety Code.

17 (c) The person's privilege to operate a motor vehicle shall be  
18 suspended by the department as required under Section 13352.6,  
19 and the court shall require the person to surrender his or her driver's  
20 license to the court in accordance with Section 13550.

21 (d) The court shall advise the person at the time of sentencing  
22 that the driving privilege will not be restored until the person has  
23 provided the department with proof satisfactory to the department  
24 that the person has successfully completed the  
25 driving-under-the-influence program required under this section.